STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

February 17, 1983

ALL-COUNTY INFORMATION NOTICE I-25-83

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SUMMARY OF INSTRUCTIONS AFFECTING NOTICES OF ACTION - TURNER V. WOODS

REFERENCE:

Communications with county representatives have brought to our attention the need to provide a summary of the current status of the outstanding orders affecting notices of action resulting from the Turner v. Woods litigation. The following paragraphs explain the current rules and orders in the Turner case which impact your day-to-day notices of action.

ALL COUNTY WELFARE DIRECTOR LETTER DATED DECEMBER 23, 1981 - TURNER V. WOODS

This letter notified counties of the Preliminary Injunction Order of December 21, 1981 which enjoined the state and counties from failing to provide full and adequate notices of action to recipients and enjoined SDSS from sending certain instructions to the counties. It required that if SDSS decided to provide instructions and notice of action forms to implement Public Law 97-35 that these forms and instructions be approved by the court before SDSS could send them to the counties. This order did not prohibit the counties from taking actions or writing their own notice of action messages without court approval.

JANUARY 15, 1982 TELEGRAM

On January 15, 1982, SDSS sent counties a telegram requiring that they use the Los Angeles County language provisionally approved by the court in the Preliminary Injunction for grant changes caused by applying the standard work expense disregard, the limitation of the dependent care disregard, or the 150% of need limitation. The requirement to use the Los Angeles 150% of need language was later superseded by the court-approved message sent to you with the April 8, 1982 All County Welfare Director Letter. The order to use the Los Angeles language for changes resulting from the standard work expense and dependent care limitation still stands.

A few counties have told us that every time a recipient's grant changes because of a change in earnings, they repeat the explanation of the $50 - $75 deduction on the new notice of action. Such repeated notification is required only when a recipient's work hours change from full-time to part-time or vice versa. Similarly, an explanation of the limitation for dependent care expenses is not always required. The explanation of the dependent care limitation is only required when the work hours change from full-time to part-time or vice versa and the change in hours brings the limitation into force, or when the amount paid for child care changes and the change brings the limitation into force. For example, an explanation of the limitation would not have to be stated if the amount of child care paid by a mother working full-time changed from $140 per month to $150 per month, but would have to be stated if the change was from $150 to $170 and only $160 of the child care paid could be allowed. This description of when rules need to be explained is consistent with the purpose of NOAs -- that changes in grant amounts be explained, but only the rules that affect current changes in the grant amount actually need be stated.

ALL COUNTY LETTER NO. 82-17 DATED FEBRUARY 26, 1982 - NOTICE OF ACTION LANGUAGE FOR IMPLEMENTING LOSS OF $30 AND 1/3 EARNED INCOME DISREGARD AFTER FOUR CONSECUTIVE MONTHS

This ACL provided the first court-approved message for NOAs; the discontinuance of 30 and 1/3 after four continuous months. The court-approved language was not made mandatory, but was only suggested.

ALL COUNTY WELFARE DIRECTOR LETTER DATED APRIL 8, 1982 - NOTICE OF ACTION MESSAGES FOR AB 2X REGULATIONS

This letter transmitted the court-approved messages to be used to implement the second set of the Omnibus Budget Reconciliation Act regulations, i.e., Incomplete CA-7, Age, $1,000 Property Limit, Alien Eligibility, Stepparent Income, etc. The language of these messages was not made mandatory upon the counties; however, any county which deviated from the court-approved messages risked having its notices ruled inadequate. Also, unlike the message for the discontinuance of 30 and 1/3 (ACL 82-17, above), counties which deviated from these approved messages were (and still are) required to send examples of the deviating messages to SDSS for forwarding to the court for review.

In regard to this April 8, 1982 letter, some county representatives have asked if we consider their messages to be "deviations" when the circumstances of the recipient do not fit the court-approved message. We do not. The court-approved messages were written in the hope that the vast majority of messages for NOAs for the implementation of the second set of the Omnibus regulations would be covered. For those situations that the court-approved messages do not fit, you do not have to use the court-approved language nor send the message you use to SDSS.

ALL COUNTY WELFARE DIRECTORS LETTER DATED MAY 10, 1982 - NOTICE OF ACTION MESSAGES: SPONSORED ALIENS

This letter transmitted a second set of court-approved NOA messages regarding sponsored aliens. The same rules applied (and apply) to these messages as those transmitted April 8, 1982.

The All County Information Notice I-151-82 dated November 23, 1982 - "Providing Adequate Notice" - was intended to help counties write notices which meet the regulatory standards of adequacy. It does not supersede any other direction you received from the department concerning the court-approved notices in Turner v. Woods.

If you have any questions, please contact your AFDC Management Consultant at (916) 445-4458.

Kyle S. McKinsey

KYLE S. McKINSEY
Deputy Director

cc: CWDA